

REMARKS

As a preliminary matter, Applicants' representative would like to thank Examiner Thierry L. Pham, Supervisory Patent Examiner David K. Moore, Supervisory Application Examiner Author McCloud, Supervisory Legal Instruments Examiner Stacey Kemper, and Supervisory Legal Instruments Examiner Earline Green, for courtesies extended in the numerous telephonic interviews conducted during the time period from October 3, 2005 to November 18, 2005.

Specifically, the telephone interviews were conducted on October 3, 2005, October 7, 2005, October 12, 2005, October 18, 2005, October 19, 2005, October 31, 2005, November 1, 2005, November 2, 2005, November 3, 2005, November 4, 2005, November 7, 2005, November 8, 2005, November 10, 2005, November 15, 2005, November 16, 2006, November 17, 2005, November 18, 2005, and November 21, 2005.

Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interviews, the following was discussed:

A. Identification of claims discussed:

Independent claims 11, 14, 15, and 17 are **allowed**.

A Supplemental Amendment was filed on September 19, 2005 to place all of the pending claims (i.e., claims 2-11, 13, 14, 16, 17, and 24-31) in condition for immediate allowance.

B. Identification of prior art discussed:

None.

C. Identification of principal proposed amendments:

A Supplemental Amendment was filed on September 19, 2005 to place all of the pending claims (i.e., claims 2-11, 13, 14, 16, 17, and 24-31) in condition for immediate allowance.

Examiner Pham proposed further clarifying amendments to the claims, which the Examiner stated would be made by Examiner's Amendment in the Notice of Allowance.

D. Brief Identification of principal arguments:

In the Applicants' representative noted that a Supplemental Amendment was filed on September 19, 2005 to place all of the pending claims (i.e., claims 2-11, 13, 14, 16, 17, and 24-31) in condition for immediate allowance.

Applicants' representative further noted that the Advisory Action mailed September 28, 2005, was not responsive to the Supplemental Amendment filed on September 19, 2005.

E. Results of the Several Telephonic Interviews:

Examiner Pham agreed that the Advisory Action mailed September 28, 2005 erroneously was not responsive to the Supplemental Amendment filed on September 19, 2005, because the Supplement Amendment had not yet been docketed to the Examiner at the time of issuing the Advisory Action.

Examiner Pham stated that he discussed the Supplemental Amendment with his Supervisor and that the application would be in condition for immediate allowance if the Examiner's proposed clarifying amendments were made to the claims. The Examiner stated that such proposed clarifying amendments could be made by Examiner's Amendment in the Notice of Allowance.

Applicants' representative contacted Examiner Pham on October 7, 2005 and approved the Examiner's proposed clarifying amendments. Examiner Pham agreed that the application was in condition for allowance and stated that a Notice of Allowance would be issued.

On October 19, 2005, Examiner Pham confirmed that the Notice of Allowance had been approved by his Supervisor, that the notice of Allowance was counted on October 17, 2005, and that the Issue Revision was completed on October 17, 2005.

Applicant confirmed that the Issue Revision was completed and entered into the Image File Wrapper on October 17, 2005, on the U.S.P.T.O. Private PAIR web site, a copy of which is attached herewith.

Applicants Representative contacted Examiner Pham, Supervisory Patent Examiner David K. Moore, Supervisory Application Examiner Author McCloud, Supervisory Legal Instruments Examiner Stacey Kemper, and Supervisory Legal Instruments Examiner Earline Green, several times during the time period from November 1, 2005 to November 18, 2005, to confirm that the Notice of Allowance would be issued timely prior to the expiration of the statutory period for reply to the Office Action mailed May 19, 2005.

However, the Patent Office Officials stated that, for some reason, the mailing of the Notice of Allowance was not timely performed.

Applicants' representative reiterated their request that the Notice of Allowance be timely mailed, since the Issue Revision was completed on October 17, 2005. Applicants' representative expressed concern that, due to the Patent Office delay in mailing the Notice of Allowance, Applicants detrimentally would be forced to pay additional extension of time

fees, and also to file a Notice of Appeal and associated fees, in order to maintain the pendency of the application until the Notice of Allowance could be mailed.

On November 8, 2005, Examiner Pham provided an unofficial copy of the Notice of Allowance via facsimile to Applicants' representative. A copy of which is attached herewith.

On November 17, 2005, Supervisory Legal Instruments Examiner Stacey Kemper and Examiner Pham proposed re-issuing the Notice of Allowance, since the reason for the Patent Office's delay in mailing the Notice of Allowance which was approved October 17, 2005, could not be determined.

However, on November 18, 2005, Examiner Pham stated that such would require the Revision process for the Notice of Allowance to be restarted, which would mean that the Notice of Allowance likely would not be timely issued by the expiration of the statutory period for response to the May 19, 2005 final Office Action.

F. Conclusion:

Accordingly, Applicants submit herewith a Notice of Appeal and fee, together with a Petition for Extension of Time extending the time period for reply from September 19, 2005 (one-month extension of time fee was paid by Applicants on September 19, 2005) to November 19, 2005.

Applicants note that the Notice of Appeal and Petition for Extension of Time are timely filed, since the due date of November 19, 2005 fell on a weekend.

In view of the foregoing, Applicants respectfully submit that claims 2-11, 13, 14, 16, 17, and 24-31 are patentable over the prior art of reference.

Serial No. 09/574,453
Docket No. FJ-2000-004-US
(MAS.001)


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The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: November 21, 2005


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Image File Wrapper for Application No.:09/574,453

This application is officially maintained in electronic form. To View: Click the desired Document De the desired document(s) and click Download.

Mail Room Date	Document Description	Document Category
09/28/2005	Advisory Action (PTOL-303)	PROSECUTION
09/22/2005	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION
09/19/2005	Claims	PROSECUTION
09/19/2005	Amendment After Final	PROSECUTION
09/19/2005	Extension of Time	PROSECUTION
09/19/2005	Miscellaneous Incoming Letter	PROSECUTION
09/19/2005	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
08/17/2005	Amendment After Final	PROSECUTION
08/17/2005	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
05/19/2005	List of references cited by examiner	PRIOR ART
05/19/2005	Index of Claims	PROSECUTION
05/19/2005	Search information including classification, databases and other search related notes	PROSECUTION
05/19/2005	Final Rejection	PROSECUTION
05/02/2005	Examiner's search strategy and results	PROSECUTION
12/31/2004	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
12/31/2004	Miscellaneous Incoming Letter	PROSECUTION
11/17/2004	Change of Address	PROSECUTION
10/26/2004	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION
10/22/2004	Amendment - After Non-Final Rejection	PROSECUTION
10/22/2004	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
10/22/2004	Claims	PROSECUTION
10/22/2004	Amendment - After Non-Final Rejection	PROSECUTION

10/22/2004	Fee Worksheet (PTO-875)	PROSECUTION
10/22/2004	Claims	PROSECUTION
10/22/2004	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
07/23/2004	Non-Final Rejection	PROSECUTION
07/23/2004	List of references cited by examiner	PRIOR ART
04/12/2004	Abstract	PROSECUTION
04/12/2004	Drawings	PROSECUTION
04/12/2004	Applicant Arguments or Remarks Made in an Amendment	PROSECUTION
04/12/2004	Amendment - After Non-Final Rejection	PROSECUTION
04/12/2004	Specification	PROSECUTION
04/12/2004	Claims	PROSECUTION
03/30/2004	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION
01/12/2004	Non-Final Rejection	PROSECUTION
01/12/2004	List of References cited by applicant and considered by examiner	PRIOR ART
01/12/2004	List of references cited by examiner	PRIOR ART
11/21/2003	Examiner's search strategy and results	PROSECUTION
08/03/2000	Information Disclosure Statement (IDS) Filed	PROSECUTION
08/03/2000	Foreign Reference	PRIOR ART
08/03/2000	Foreign Reference	PRIOR ART
08/03/2000	Foreign Reference	PRIOR ART
05/19/2000	Fee Worksheet (PTO-875)	PROSECUTION
05/19/2000	Bibliographic Data Sheet	PROSECUTION
05/19/2000	Oath or Declaration filed	PROSECUTION
05/19/2000	Abstract	PROSECUTION
05/19/2000	Claims	PROSECUTION
05/19/2000	Specification	PROSECUTION
05/19/2000	Drawings	PROSECUTION
05/19/2000	Transmittal letter	PROSECUTION
05/19/2000	Index of Claims	PROSECUTION
05/19/2000	Search information including classification, databases and other search related notes	PROSECUTION
05/19/2000	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION
05/19/2000	Miscellaneous Incoming Letter	AS FILED
05/19/2000	Foreign Priority Papers Filed	PROSECUTION

05/19/2000	Fee Worksheet (PTO-875)	PROSECUTION
05/19/2000	Claims Worksheet (PTO-2022)	PROSECUTION
05/19/2000	Fee Worksheet (PTO-875)	PROSECUTION

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UNITED STATES PATENT AND TRADEMARK OFFICE

Facsimile Transmission

To: Name: John Dresch
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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Mr. Dresch,
This is an "UNOFFICIAL" notice of allowance and PTO FORM-37 for s/n
09/574453, which you have requested.
Any questions, I can be reached at 5712727439.
Thanks,
Thierry

Date and time of transmission: Tuesday, November 08, 2005 3:54:36 PM
Number of pages including this cover sheet: 05

Notice of Allowability**Application No.**

09/574,453

Examiner

Thierry L. Pham

Applicant(s)

TANAKA ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment After Final filed on 8/17/05.
2. ☒ The allowed claim(s) is/are 2-11, 13-14, 16-17, and 24-31 are allowed; renumbered as claims 1-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

USPTO
: John Dresch COMPANY:

11/8/2005 4:00 PM PAGE 3/005 Fax Server

Continuation Sheet (PTOL-37)

Application No.

Application/Control Number: 09/574,453
Art Unit: 2624

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DETAILED ACTION

- This action is responsive to the following communication: Amendment After Final filed on 8/17/05.
- Claims 2-11, 13-14, 16-17, 24-31 are pending; claims 1, 12, 15, 18-23 have been canceled.

Allowable Subject Matter

Claims 2-11, 13-14, 16-17, and 24-31 are allowed; renumbered as claims 1-22.

The following is an examiner's statement of reasons for allowance:

The cited prior arts (US 6573927 to Parulski, and US 6453071 to Ito et al) fail to teach and/or suggest a print designation file having the print designating information further includes scene specifying information for specifying a subject scene to be printed in the moving image file (i.e. AVI or MPEG file) and taking the image data file out of the subject scene in the moving image file in accordance with the scene specifying information and in combinations of other features in the claims" as cited in renumbered independent claims 1, 11, and 13-14. Parulski teaches a print designation file for specifying a copy of still image to be printed as shown in columns 7-8, but fails to teach and/or suggest a print designation file including a scene specifying information for designating a certain scenes/frames to be printed in a moving image (i.e. indicating a frame and/or scene to be printed in a moving image file such as AVI or MPEG). The examiner found neither prior art cited in its entirety, nor based on the prior art, nor found any motivation to combine any of prior arts that teaches the above limitations and in combinations of other features as cited in renumbered independent claims 1, 11, and 13-14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications, from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham